

Memorandum

To: Planning Commission

From: Julianne Thomas, Planner

Alex Score, Biologist

Date: June 21, 2006

Re: Request for Future Land Use Map Amendment and Land Use Designation Change



MEETING DATE: June 28, 2006

RE NUMBER: 00081740.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

EXISTING ZONING DESIGNATION: Urban Residential (UR)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Business Center LLC

AGENT: Reed & Company Development Services Inc.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 7.35 Acres; 0.85 acres (36,888 s.f.) being changed

RE NUMBER: 00081740.000500

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential High (RH)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Business Center LLC

AGENT: Reed & Company Development Services Inc.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 2.36 Acres

RE NUMBER: 00081760.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential High (RH), Mixed Use/Commercial (MC), Recreation (R), Residential Conservation (RC)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC), Recreation (R), Residential Conservation (RC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC), Urban Residential (UR), Parks and Refuge (PR), Native Area (NA)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC), Parks and Refuge (PR), Native Area (NA)

PROPERTY OWNER: Ocean Reef Acquisition Corp.
AGENT: Reed & Company Development Services Inc.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef
Size of Parcel: 28.38 Acres, 6.05 Acres proposed to be changed for FLUM; 1.04 Acres proposed to be changed for LUD.

RE NUMBER: 00081710.000000
EXISTING FUTURE LAND USE MAP DESIGNATION: Residential High (RH)
PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use/Commercial (MC)
EXISTING ZONING DESIGNATION: Urban Residential (UR)
PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPERTY OWNER: Ocean Reef Club, Inc.
AGENT: Reed & Company Development Services Inc.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef
Size of Parcel: 10.91 Acres; 3.84 acres being changed

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef between Marina Drive and Anchor Drive. The property is located on the Island of Key Largo, in Ocean Reef, and is legally described Government Lot 4, and part of the NE ¼ of the SW ¼ of the Plat of Lands of Seaboard Properties, Inc., Section 7, Township 59 South, Range 41 East, North Key Largo, Monroe County, Florida. The real estate numbers are: 00081740-000000; 00081740-000500, 00081760-000000 and 00081710-000000.

Existing Use:

The parcels are currently occupied primarily by staff housing consisting of about 249 beds spread throughout 132 units. There are approximately twenty (20) individual single story frame cottage structures known as “yachtels” or reef huts. One (1) of the twenty units (20) is a duplex consisting of two (2) units in one (1) structure. In the reef huts there are nine (9) efficiencies, five (5) one (1) bedrooms, six (6) two (2) bedrooms, and one (1) three (3) bedroom unit. There are also three (3) large structures: two (2) one story structures and a four (4) story building containing residential units. The two (2) single story buildings contain three (3) single, motel style units: 12 units (2 beds each) with shared baths and seven (7) two room suites. The four (4) story structure consists of 89 dormitory style units with two (2) double beds per unit. In addition to the residential uses on the property there is approximately 2,961 square feet of commercial space. Office space takes 966 square feet and 1,995 square feet are dedicated for storage. The property also contains a swimming pool, parking lots, roads, cafeteria, laundry and basketball court which are used by employees. There is also a driving range used by the Club members in the southern portion of Parcel 00081760.

TABLE OF EXISTING USES	
1 Story Building 33 X 134	89 Units, 2 double beds per unit
1 Story Building 235 X 36	3 single, motel style units; 12 units (2 beds each) with shared baths; and 7 two room suites.
4 Story Building 56 X 180	
Attached 1 Story Frame (Residence)	Res. A-1 & A-2
1 Story Frame (Residence)	Res. A-3
1 Story Frame (Residence)	Res. A-4
1 Story Frame (Residence)	Res. A-5
1 Story Frame (Residence)	Res. A-6
1 Story Frame (Residence)	Res. A-7
1 Story Frame (Residence)	Res. A-8
1 Story Frame (Residence)	Res. A-9
1 Story Frame (Residence)	Res. A-10
1 Story Frame (Residence)	Res. B-2
1 Story Frame (Residence)	Res. B-3
1 Story Frame (Residence)	Res. B-4 (Mostly off-site)
1 Story Frame (Residence)	Res. B-7 (Mostly off-site)
1 Story Frame (Residence)	Res. C-1
1 Story Frame (Residence)	Res. C-2
1 Story Frame (Residence)	Res. C-3
1 Story Frame (Residence)	Res. S-18
1 Story Frame (Residence)	Res. S-19
1 Story Frame (Residence)	Res. S-20
1 Story Frame (Residence)	Res. S-21
Pool and Pump House	Accessory to Residences
1 Story Frame (Office) 23 X 42	Office/Commercial (966 SF)
1 Story Frame (Linen) 16 X 28, 1 Story Frame = 41 X 19 with wood deck between the two structures	Linen/Commercial (1227 SF)
1 Story Frame (Storage Bldg.) 16 X 28	Storage Bldg./Commercial (448 SF)
1 Story Metal Shed 12 X 10	Storage Bldg./Commercial (120 SF)
1 Story Metal Shed 10 X 20	Storage Bldg./Commercial (Mostly off-site) (200 SF)

Existing Habitat:

The property is disturbed with both native and exotic landscaping.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The existing land use maps classify this property as commercial and Mixed Residential High Density. The 1986 existing conditions map panel #328 classify this site as 740, disturbed. The site has many landscaped areas with both native and exotic vegetation.

Neighboring Land Uses and Character:

The land to the northeast is zoned Parks and Refuge (PR) and is a golf course. The area has a FLUM of Recreation (R).

To the North, across Ocean Reef Drive are offices for the Ocean Reef Club. This area has zoning of SC with a FLUM of MC.

The property directly south across Marina Drive is Marina Village Condominiums. The zoning is UR with a FLUM of RH.

ZONING AND LAND USE HISTORY

Pre – 1986 Zoning:

The subject property was zoned BU-2, Medium Business District prior to 1986. This district was intended to provide areas suitably situated for centers of commercial activity, area retail sales, commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing, and storage.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Urban Residential (UR).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property was given a FLUM designation of Residential High (RH) which was consistent with original Urban Residential (UR) land use district designation.

Map changes or boundary considerations since 1986:

In October 1995, a ten (10) year development agreement with Ocean Reef was passed that included seven (7) map amendments. These map amendments changed the Land Use District (Zoning) Map but did not change the Future Land Use Map (FLUM). One of these parcels – RE 00081740.000500 - property was changed to an SC land use district without changing the corresponding FLUM designation. This change to the FLUM is necessary to reconcile the current zoning adopted in 1995 with the FLUM.

RE 00081740.000000 has a FLUM of Mixed Use Commercial (MC) but a Land Use Designation of Urban Residential (UR). In this case, the FLUM is correct and a land use designation change to SC will allow this parcel to be developed to its fullest potential.

Parcel RE 00081760.000000 has a Land Use Designations of UR and SC with a FLUM of RH. This change to the FLUM is necessary to reconcile the current zoning adopted in 1995 with the FLUM. Also, a small portion of the parcel needs to be changed from UR to SC to allow the parcel to be developed to its fullest potential.

The final parcel – RE 00081710.000000 – has a Land Use Designation of Urban Residential (UR) and a corresponding FLUM of Residential High (RH).

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None.

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and a 30 minute drive from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

These parcels are integral to the success of Ocean Reef as this is where the employees live. The isolation of Ocean Reef as well as the general shortage of hourly workers in the Keys makes providing employee housing essential to the success of Ocean Reef. Ocean Reef needs to be able to reconfigure these parcels as a cohesive development to provide more and better services for their employees so that their employees can provide outstanding service for the club members.

Ocean Reef would like to be able to approach all these parcels as a cohesive unit without having to worry that something may be allowed in one space but not in another. Ocean Reef cannot afford to lose density and also realizes that the allowed density needs to be balanced with other needs they have identified. Ocean Reef and the Planning Department believe that a Land Designation of Sub Urban Commercial (SC) for these parcels with the corresponding Future Land Use Designation (FLUM) of Mixed Use Commercial (MC) will keep the density required along with provide other services needed by the club and the employees.

(iii.) Data errors:

None.

(iv.) New issues:

A situation developed that highlighted the inconsistency between the Land Use Designation of SC and the FLUM of RH in parcel RE 00081760.000000. An application was submitted to build a communication tower, and a site was selected within this parcel in the SC zoning. The type of tower planned is allowed in SC zoning but is not allowed with a FLUM of RH. In Florida, the FLUM designation is controlling. At the time the parcel was chosen in July of 2005, the FLUM was not referenced and staff did not realize until January as the project was slated to go to the Development Review Committee that

a fatal inconsistency existed that would result in the project being unable to go forward. Staff felt it was time to remove the inconsistency and allow this parcel to be developed to its fullest potential. In addition, Ocean Reef would like to be able to redevelop the area cohesively for employee housing and other community and employee services.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. This parcel was rezoned SC because the parcel is a disturbed site with established commercial uses on the adjacent parcel. Changing the FLUM to MC will eliminate the current inconsistency and allow for the development to occur on this parcel as was intended when the zoning was changed.

(vi.) Data updates:

None.

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The properties have current land use designations of Sub Urban Commercial (SC) and Urban Residential (UR) and FLUM designations of Residential High (RH) and Mixed Use Commercial (MC).

Sec. 9.5-204. Purpose of the Urban Residential District (UR).

The purpose of the UR district is to provide areas appropriate for high-density residential uses designed and intended for occupancy by persons gainfully employed in the Florida Keys and to create areas to provide for vacation rental use of detached dwellings, duplexes, and multifamily dwellings. This district should be established at or near employment centers.

Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC).

The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

Policy 101.4.4

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited

2. Potential Land Uses with Proposed Map Amendment

Staff and the Ocean Reef Club are requesting a land use designation and future land use map amendments so all parcels will have a land use designation of Sub Urban Commercial (SC) and a FLUM of from Mixed Use/Commercial (MC).

Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC).

The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas. More specifically, the SC permits commercial apartments and employee housing of less than six (6) units as-of-right, subject to meeting all other requirements. More than eighteen (18) units require a major conditional use.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM from RH to MC does not have any negative effects for this property.

Allocated and Max Net Density Permitted Per Acre

Residential High			Mixed Use/Commercial		
	Allocated (DU/Acre)	Max Net (DU/ /Buildable Acre),		Allocated (DU/Acre)	Max Net (DU/ Buildable Acre)
	3-16 du, 10 rooms/spaces	12 du 20 rooms/spaces		1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces
Employee housing (UR)		25 units if all units are designated affordable or employee housing	S C	3.0	15.0 units recently raised to 18.0 units

The maximum non-residential square footage permitted is as follows, the ultimate square footage allowed is dependant on compliance with all Monroe County Code requirements:

Commercial Maximum Floor Area Ratio Permitted

Residential High (RH)			Mixed Use Commercial – SC zoning		
	MFAR	OSR		MFAR	OSR
None allowed			Recreational	0.10	0.2
			High Intensity	0.15	0.2
			Medium Intensity	0.25	0.2
			Light industry, Institutional	0.30	0.2
			Public Buildings	0.30	0.2
			Low Intensity	0.35	0.2
			Office	0.40	0.2

Use Compatibility

The property is currently being used for employee housing and supporting commercial activities. A portion of this parcel houses a driving range and other commercial establishments. A change in the FLUM will allow this parcel to be developed to its greatest potential under its current SC zoning.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

These FLUM and LUD changes will allow the parcels to be developed to their fullest potential and minimize the need to build or clear environmentally sensitive lands to provide services to the community.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff

has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FININGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development. This is an area ORC needs to be able develop fully for employee housing and other community needs. Cohesive Land Use Designations and FLUM designations will allow ORC to do this.
 - (iv.) **New issues**

There are limited areas available and appropriate for employee housing and commercial development. Allowing the available and appropriate parcels to be developed to their fullest potential is in the best interest of ORC and Monroe County.
 - (v.) **Recognition of a need for additional detail or comprehensiveness:**

FLUM designations need to correspond with Land Use designations in order to provide property owners an opportunity to fully develop their land. These FLUM and Land Use designations needs to be changed in order to be consistent and allow maximum utilization of the property.
3. The subject property was zoned BU-2, Medium Business District prior to 1986.
4. The subject property was assigned zoning of Urban Residential (UR) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH) for the UR parcel.
6. Pursuant to a 1995 development agreement with Ocean Reef, a portion of parcel 00081760.000000 was changed from UR to Suburban Commercial (SC).
7. A portion of the re-zoned area was given a FLUM of Mixed Use Commercial (MC) but not the entire parcel.
8. The present RH FLUM designation does not correspond with the existing Sub Urban Commercial (SC) land use district designation.
9. The Residential High (RH) FLUM does not allow for the SC parcel to be developed to its highest potential.
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.

11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation and future land use designation are appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Planning Commission for the proposed Future Land Use Map amendment from Residential High (RH) to Mixed Use Commercial (MC) for the identified portion of RE 00081740.000500.

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Planning Commission for the proposed Land Use Map amendment from Urban Residential (UR) to Sub Urban Commercial (SC) for the identified portion of RE 00081740.000000.

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Planning Commission for the proposed Future land Use Map amendment from Residential High (RH) to Mixed Use Commercial (MC) and Land Use Map amendment from Urban Residential (UR) to Sub Urban Commercial (SC) for the identified portions of RE 00081760.000000.

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Planning Commission for the proposed Future land Use Map amendment from Residential High (RH) to Mixed Use Commercial (MC) and Land Use Map amendment from Urban Residential (UR) to Sub Urban Commercial (SC) for the identified portions of RE 00081710.000000.

Land Use Designation Maps



Future Land Use Designation Maps

